

1                               IN THE UNITED STATES DISTRICT COURT  
2                               FOR THE NORTHERN DISTRICT OF TEXAS  
3                               DALLAS DIVISION

4       UNITED STATES OF AMERICA,       ) Case No. 3:06-CR-369-R (01)  
5                               Government,       )  
6       VERSUS       ) DALLAS, TEXAS  
7       RONALD C. PEARSON,       ) DECEMBER 20, 2007  
8                               Defendant.       ) 10:28 A.M.

9  
10                              VOLUME 1 OF 1  
11                              TRANSCRIPT OF SENTENCING  
12                              BEFORE THE HONORABLE REED O'CONNOR  
                              UNITED STATES DISTRICT COURT JUDGE

13       A P P E A R A N C E S :

14       FOR THE GOVERNMENT:       MR. PAUL YANOWITCH  
15                                       UNITED STATES DEPARTMENT OF JUSTICE  
16                                       NORTHERN DISTRICT OF TEXAS  
                                      U.S. Courthouse, Third Floor  
                                      Dallas, Texas 75242  
                                      Telephone: 214.659.8600

17       FOR THE DEFENDANT:       MR. RANDY TAYLOR  
18                                       ATTORNEY AT LAW  
                                      1885 FM 514  
19                                       Yantis, Texas 75497  
                                      Telephone: 214.747.8794

20       COURT REPORTER:       DEBRA G. SAENZ, CSR, RMR, CRR  
21                                       1100 Commerce Street, Room 1504  
                                      Dallas, Texas 75242  
22                                       Telephone: 214.753.2298  
                                      E-Mail: debbie.saenz@yahoo.com

23  
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                              Debbie Saenz, CSR, RMR, CRR  
                              United States District Court  
                              (214) 753-2298

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1 P R O C E E D I N G S

2 December 20, 2007 - 10:28 a.m.

3 THE COURT: The Court calls for sentencing Cause  
4 Number 3:06-CR-369, the United States of America versus Ronald  
5 Pearson.

6 Mr. Pearson is represented by Mr. Taylor, Randy  
7 Taylor, a well-known member of the Dallas Bar. Good to see  
8 you again.

9 MR. TAYLOR: Nice to see you, sir.

10 MR. YANOWITCH: Paul Yanowitch for the Government,  
11 Your Honor.

12 THE COURT: How are you doing, Mr. Yanowitch?

13 MR. YANOWITCH: Very well, thank you.

14 THE COURT: Thank you for being here today.

15 Step up to the podium, please.

16 Are both parties ready to proceed?

17 MR. YANOWITCH: Government is ready, Your Honor.

18 MR. TAYLOR: Yes, Your Honor.

19 THE COURT: Mr. Pearson, would you please  
20 acknowledge your presence in court for the record by stating  
21 your full name?

22 THE DEFENDANT: Ronald Cameron Pearson.

23 THE COURT: Mr. Pearson, you appeared before  
24 Magistrate Judge Stickney on May 29, 2007, and pleaded guilty  
25 to Count 1 of the indictment charging you with receipt of

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United States District Court  
(214) 753-2298

1 child pornography through interstate and foreign commerce in  
2 violation of 18 USC 2252A.

3 On that date, Judge Stickney found that your plea of  
4 guilty was a knowing and voluntary plea supported by an  
5 independent basis in fact containing each of the essential  
6 elements of the offense. You told him at that time that you  
7 understood the elements of the offense, you agreed to the  
8 accuracy of the factual resume, and admitted that you  
9 committed all essential elements of the offense.

10 On June 11, 2007, Judge Buchmeyer entered an order  
11 accepting your plea and adjudging you guilty of the crime  
12 alleged in the indictment against you. This plea of guilty  
13 was taken pursuant to a plea agreement, and I have reviewed  
14 the plea agreement and the charge to which you have pled  
15 guilty, and I have determined that the charge adequately  
16 reflects the seriousness of your actual offense behavior so  
17 that accepting the plea agreement will not undermine the  
18 statutory purposes of sentencing, all relevant conduct having  
19 been taken into consideration in the calculation of the total  
20 offense level. Therefore, the plea agreement is accepted and  
21 the judgment and sentence will be consistent with it.

22 Mr. Taylor, did you and your client receive in a  
23 timely manner a copy of the presentence investigation report  
24 as well as the addendum?

25 MR. TAYLOR: Yes, sir.

1                   THE COURT: And did you carefully review that report  
2 and that addendum with Mr. Pearson?

3                   MR. TAYLOR: Yes, sir.

4                   THE COURT: Did the Government receive it in a  
5 timely fashion?

6                   MR. YANOWITCH: Yes, we did, Your Honor.

7                   THE COURT: I do not see any specific objections to  
8 the presentence report, but I note that the addendum to the  
9 presentence report indicates that the Court may consider  
10 denying Mr. Pearson the adjustment for acceptance of  
11 responsibility.

12                   Now, I'm troubled, Mr. Pearson, by the fact that you  
13 did go to the library and apparently used the computer at the  
14 library, but your lawyer, Mr. Taylor, as did the Government,  
15 filed documents addressing that issue, and I think your lawyer  
16 probably put it best in his document about the true facts and  
17 motivations and circumstances surrounding your going to the  
18 library and your using that computer.

19                   THE DEFENDANT: That's correct.

20                   THE COURT: So while I'm troubled by that, I'm going  
21 to follow the suggestions of your lawyer and the suggestions  
22 of Mr. Yanowitch, and I'm not going to deny you acceptance of  
23 responsibility.

24                   Does the Government have any objection to my ruling  
25 in that fashion?

1 MR. YANOWITCH: No, Your Honor.

2 THE COURT: Mr. Taylor, do you have any objection?

3 MR. TAYLOR: Obviously not, Your Honor.

4 THE COURT: Okay. That being the case, I adopt the  
5 fact findings in the presentence report as my own. There  
6 being no objections to the probation officer's conclusions set  
7 forth in the presentence report as to the appropriate  
8 guideline calculations, I adopt those conclusions and  
9 determine that the appropriate guideline calculations are as  
10 follows:

11 A total offense level of 30, a criminal history  
12 category of I, an imprisonment range between 97 months and 121  
13 months, a supervised release range of any term of years up to  
14 life imprisonment, and a fine range of \$17,500 to \$175,000.

15 Now, the Government has filed a motion for downward  
16 departure in this case, and I will grant the motion for  
17 downward departure for the reasons that the Government stated  
18 in its motion, but I would like to ask the Government some  
19 questions about the recommended level of downward departure if  
20 that's all right.

21 MR. YANOWITCH: Yes, Your Honor, certainly.

22 THE COURT: In the motion, you recommend that  
23 Mr. Pearson receive a four-level downward departure; is that  
24 correct?

25 MR. YANOWITCH: That's correct.

1           THE COURT: Okay. Can you share with the Court the  
2 factors you considered or the criteria you evaluated to make  
3 the recommendation that four levels is the appropriate  
4 departure, as opposed to ten levels, or as opposed to two  
5 levels?

6           MR. YANOWITCH: Certainly, Your Honor, as best as I  
7 can articulate. Initially, it is open and on the record that  
8 Mr. Pearson came and proffered, after his arrest, came and  
9 talked to the government and identified someone with whom he  
10 had distributed and exchanged child pornography, a Mickey  
11 George.

12           He gave us significant information about Mr. George,  
13 enough to get a search warrant. We executed a search warrant  
14 of Mr. George's residence, which yielded -- through the  
15 immigration and customs enforcement agency, which yielded  
16 evidence which lead to an indictment of Mr. George, and  
17 Mr. Pearson agreed to testify at trial. And, eventually, just  
18 shortly before trial, due I think in part to the fact that  
19 Mr. Pearson would have testified, Mr. George pled guilty.

20           So, essentially, Mr. Pearson gave us somebody who  
21 was a significant consumer of child pornography, and we think  
22 something of a risk to the community based upon the evidence  
23 we gathered in his -- during the course of his search, which  
24 included what -- I don't want to overly glamorize it, but  
25 might be considered almost a stalking tape of videotaping

1 young girls at public events, and a series of what I think the  
2 agent and I considered to be rather disturbing images, which  
3 tend to us to suggest that this individual may have posed a  
4 pretty significant risk at some point to the community.

5 So I think Mr. Pearson deserves credit for taking  
6 someone who was a major risk out of circulation as it were,  
7 and eventually pleading guilty and not going to trial and  
8 running that risk, since there are obviously at trials, as  
9 Court knows, all sorts of dangers and risks, and so it was  
10 basically that.

11 And I -- in determining the exact level to which  
12 that corresponds, I can tell the Court that I'm relatively  
13 new. I have been here only a few years and not done that many  
14 5Ks, so I went to my colleagues and supervisors and said, what  
15 is this worth in a way, and we talked about it, and that was  
16 what I thought reflected the level of his cooperation, the  
17 danger -- or the benefit to us as a result of that  
18 information.

19 And I should add that Mr. Pearson has also agreed  
20 and was able to provide us information about another target of  
21 an investigation, which is ongoing, and he has helped us  
22 provide a little bit of information about that target and has  
23 expressed willingness numerous times to do whatever he needs  
24 to do in order to advance that investigation, including, if  
25 necessary, acting as an agent of law enforcement.



1           The law enforcement agencies involved have made the  
2       conclusion that this is not the appropriate time to go that  
3       route with this particular subject, but I factored in  
4       Mr. Pearson's willingness to go beyond the proffer and to act  
5       on our behalf with regard to another subject, who represents  
6       also a pretty significant risk to the community.

7           THE COURT:   Okay.   Give me one second, please.

8           MR. YANOWITCH:   Surely.

9           THE COURT:   So will Mr. Pearson be eligible for a  
10      Rule 35 in the future, if that case is brought to fruition?

11          MR. YANOWITCH:   Your Honor, I've actually talked  
12      about that with my supervisor and considered that.   The Rule  
13      5K1, which is quite generous, I recognize, which is quite  
14      generous, incorporates to a great degree -- incorporates  
15      everything he's done so far and incorporated any testimony  
16      that he was going to give in Mr. George's trial, and  
17      Mr. George pled out at the last moment, but it also  
18      incorporates his efforts today in anticipation of some  
19      additional efforts, really, against another target.

20          I left open the possibility that if he acts on our  
21      behalf in some capacity, and does a really significant degree  
22      of effort and work on behalf of the Government, should it  
23      arise, and that results in a prosecution and indictment -- and  
24      successful prosecution of this individual, he might be  
25      eligible for a small amount more, but this is an attempt

1 of -- pretty much resolved his cooperation with the  
2 Government.

3 THE COURT: Mr. Taylor, obviously I've granted the  
4 motion, the Government's motion for downward departure, but I  
5 wanted to give you an opportunity to speak on your views.

6 MR. TAYLOR: Well, Judge, I hate to bring the death  
7 down on Mr. Yanowitch's career probably by saying that he's  
8 been fair and reasonable throughout these proceedings from the  
9 first time that I have dealt with him up until today, and if  
10 he has recommended it, I'm not going to quarrel with him about  
11 it, sir.

12 THE COURT: Well, that's probably -- people are  
13 aware that you are a very fine trial lawyer and a prestigious  
14 member of the Dallas Bar, and you are deserving of fair  
15 treatment, so I'm glad to hear that.

16 MR. TAYLOR: Thank you, sir.

17 THE COURT: Mr. Taylor, before I move forward, if I  
18 could just state one thing for you and your client's benefit.  
19 I have read the transcript of the previous sentencing hearing  
20 that Judge Buchmeyer conducted a couple of months ago, and  
21 several individuals spoke at that proceeding on behalf of  
22 Mr. Pearson, and Mr. Pearson was able to speak at that time as  
23 well.

24 I have also read numerous letters that the two of  
25 you, Mr. Taylor and your client, have sent to me, including

1 one that came in to me the first of December, I don't remember  
2 the exact date, from Mr. Pearson, a handwritten letter from  
3 Mr. Pearson, himself, and I've read those letters.

4 Those letters indicate to me that Mr. Pearson has a  
5 wide level of support, at least in the Garland community, and  
6 it extends out from the Garland community. It's not limited  
7 to the Garland community. And, of course, those letters  
8 indicate that his parents were wonderful people, and so you  
9 have every right to be proud of your parents, Mr. Pearson.  
10 They seemed like wonderful people to me.

11 Then I've also, in addition to the transcript and  
12 the letters, I was also presented with a binder that is  
13 entitled, Daily Diary from November 17th, '06, to the  
14 present written, I think it's fair to say, by Mr. Pearson.  
15 I've gone through that as well, more day-to-day detail, as  
16 opposed to the letters, which were more expressions of  
17 support, discussions of how they knew Mr. Pearson in the past.  
18 This is more day-to-day detail of what Mr. Pearson has done on  
19 a day-to-day basis for sometime. So I just wanted to -- give  
20 me a second, Mr. Pearson.

21 I just wanted, Mr. Taylor, you and your client to  
22 know that the Court has already reviewed, read and reviewed  
23 that. And I want to turn to you, Mr. Taylor, next, but let me  
24 just say, I am told that there will be a fire alarm at 11:00  
25 a.m. It's just a test, test only. We are not going to

1 evacuate or leave the courtroom. We're going to stay here and  
2 work through these issues, but I just wanted to assure  
3 everyone it's not a real fire. Don't go running for the  
4 exits. It's just a test.

5 So with all of that said, Mr. Taylor, do you wish to  
6 make any remarks on behalf of Mr. Pearson?

7 MR. TAYLOR: Yes, sir, Judge. I'll be brief in my  
8 remarks.

9 Mr. Pearson stands before you today, Judge, as a  
10 60-year-old individual. He has absolutely no prior criminal  
11 record whatsoever. Judge Buchmeyer, and the transcript you  
12 received from the hearing, he had 20 to 25 people here. Judge  
13 Buchmeyer wanted to I think limit the number of witnesses to  
14 five, and we called professional-type witnesses, but he had  
15 supporters from his church.

16 Ron has been a -- he has been a good citizen his  
17 whole life. He has worked at his church diligently, the  
18 Methodist Church. He has made sincere and genuine efforts to  
19 help the people in the Philippines. I journeyed to the  
20 Philippines myself to see what he had done over there and was  
21 pleasantly surprised at the good works he's done there and how  
22 much the people in the Philippines thought of him.

23 After his arrest, he has sought professional help  
24 from every source available to him on his own, out of his own  
25 pocket, paid for it himself. He's been treated by people that

1 specialize, professionals that specialize in the area of his  
2 situation, for over a year now.

3 The diagnosis of Mr. Pearson has been always that he  
4 is the lowest level -- at the lowest level of being a  
5 pedophile, or involved in pedo- --

6 THE DEFENDANT: Philia.

7 MR. TAYLOR: Pedophilia involvement -- thank you --  
8 involved in pedophilia. There is absolutely no evidence  
9 before this Court, sir, that he would be a reoffender or  
10 somebody that would be back in front of you again, sir.

11 Mr. Pearson, as Mr. Yanowitch has pointed out, he  
12 has cooperated with the Government in every way he can. He  
13 has volunteered through me and to Mr. Yanowitch directly to  
14 cooperate as much as they can use him to help the situation  
15 that we have ongoing in America.

16 He's -- as Mr. Yanowitch correctly pointed out, he's  
17 assisted in bringing somebody else that was involved in the  
18 same type or even maybe a more severe conduct than he was  
19 before the Court.

20 He is -- you know, Judge, I guess in terms of being  
21 worldly, I'm about as worldly as anybody that's going to be  
22 before you. As I was driving here to court today, I was  
23 thinking how long I have been on my own. I left home when I  
24 was 17, and I have been looking after myself ever since then.

25 I have been on the road since I was 17. I have been

1 to 42 foreign countries. And it's easy for me to say, even  
2 after having been exposed to as much life as I have, how could  
3 anybody be drawn towards what Ron Pearson is charged with  
4 being drawn towards? How can you understand that? There is  
5 300 million people in America. If only one-tenth of one  
6 percent of the population of America is drawn to it, you know,  
7 that's a whole lot of folks.

8 I'm completely computer illiterate, but I was asking  
9 an associate of mine, where do you get this information off a  
10 computer? And we didn't pick child pornography, but I said,  
11 give me an example, and he suggested to me to type into a  
12 certain title.

13 On the computer that we had there in the office,  
14 just the Internet, and he typed it in -- and because there is  
15 ladies here I'll clean up a little bit what he typed in, but  
16 it had to do with big busts. And I was amazed at the number  
17 of sites on the Internet where you could get such information.  
18 I asked my associate, I said, can you get the same type of  
19 information for child pedophilia or child pornography and he  
20 said, yes, you can.

21 As I have been involved in this case, I have seen  
22 where there are people out there that are advertising on the  
23 Internet saying you've got a Constitutional right to have  
24 this. The Government is overstepping here. And made it very  
25 easy to get it.

1           I have read brochures that they send or information  
2     that they send out where they say, if you'll just take and  
3     come to us, we have never had a client busted, never had a  
4     single person that we have sold or that we have serviced or  
5     taken care of or dealt with, we have never had them busted  
6     before. You'll be safe with us.

7           All of this on the Internet now is beyond my  
8     comprehension, but I'm the old man. That doesn't excuse Ron  
9     Pearson for what he did, and it doesn't deny that the law says  
10    you can't do that, but I ask the Court to take into  
11    consideration you got somebody here before you that's 60 years  
12    old that has lead a good moral life his whole life. And  
13    whether or not this was hard-wired into him on the day of his  
14    birth, or whether or not it's something that he acquired over  
15    a long period of time, that's open for debate and has been  
16    debated by lots of folks that you see on the news every night,  
17    CNN and Fox and all those places, all those sites.

18           But I suggest to the Court that if you follow the  
19    guidelines in the case, that the appropriate sentence, all  
20    things considered, would be at the lower end of the  
21    guidelines. Thank you very much for your consideration,  
22    Judge.

23           THE COURT: Thank you, Mr. Taylor.

24           Mr. Pearson, do you wish to speak on your behalf or  
25    present information in mitigation of your sentence?

1 THE DEFENDANT: Yes, Your Honor, I would briefly, if  
2 I'm allowed.

3 THE COURT: Yes.

4 THE DEFENDANT: And you may have already heard some  
5 of this with the transcript, but I would like to restate a few  
6 things. After -- I'm an only child. After my parents -- my  
7 second -- my sole surviving parent's death, I was in a great  
8 depression. I began surfing the Internet at home. And I  
9 began looking at a lot of pornography, legal pornography.  
10 Legal, I want to emphasize that. Nothing really to be proud  
11 about, but that's what I was looking at.

12 One day out of the blue I received an unsolicited  
13 e-mail, and I know that God gave me a brain and it's my own  
14 fault for the poor judgment that I used, but I signed onto  
15 that site. And for some reason, I began signing onto  
16 additional sites along with regular pornography sites.

17 I knew that it wasn't -- it actually just -- I  
18 enjoyed it, but by the same token, it bothered me at the same  
19 time. I don't know exactly how to describe that. And maybe  
20 even more important, in my opinion, is that I met this other  
21 individual alluded to earlier, and I allowed him into my home,  
22 very foolishly, and allowed him just to surf using my  
23 computer, of course, and copy pictures onto CDs.

24 And he said, on more than one occasion, that, you  
25 know, not to divulge that, that he is a weapons collector, and



1 I was afraid of him, quite honestly, but he seemed like sort  
2 of a nice guy in some ways. He said, you know, I have to have  
3 images -- you know, I'm not going to do this unless I get to  
4 keep a duplicate set.

5 And I told him on more than one occasion that he was  
6 spending too much time at my house. And even more important,  
7 I also said that he was copying things that I did not want at  
8 all. His response was always, well, I'll just come back and  
9 delete it. But like my attorney, I'm very computer ignorant,  
10 and I just thought that if you hit a button and deleted it,  
11 that it was gone and that was all I had to worry about. Of  
12 course, I found out later that that's not is the case.

13 And I'm very, very remorseful and regretful that I  
14 was foolish enough and stupid enough to let this person into  
15 my home. I've lead a good life. This has already been  
16 pointed out. I've helped the prosecutor, Mr. Yanowitch, in  
17 any way I can and have offered to do more in any way I can.

18 In all of my professional -- I'm speaking about  
19 Dr. Crowder, my original psychiatrist. He was the forensic  
20 psychiatrist. I was under no obligation to go to him, but I  
21 went to him on my own. He wrote what I thought, I'm sure it's  
22 written very professionally, and stated his position on prison  
23 working against me and asking for probation.

24 The same thing -- and he referred me to Dr. Lewis,  
25 who is, as far as I can tell, the preeminent sex therapist

1 here in Dallas. I have been seeing Dr. Lewis now for one  
2 year, every week for one year in small groups. I have made  
3 tremendous progress with Dr. Lewis.

4 I'm also -- I'm also seeing Dr. Stephanie Hines for  
5 my medicine. She wrote a very supportive letter. And my own  
6 family physician, Dr. John C. Brooks, has written more than  
7 one very supportive letter.

8 Your Honor, prison, I'm not ashamed to say that it  
9 scares me very much. I have heard about things happening to  
10 people and I'm not a large person. I just want to be able to  
11 please continue my weekly sessions with Dr. Lewis. I've made  
12 great strides with him, and I would very much appreciate if  
13 you would just consider in some way that possibility because  
14 I'm scared. And I mean, why isn't it such a good thing? I've  
15 made tremendous progress.

16 I know there are groups in prison, but it's nothing  
17 like small groups to work with people, and I've accomplished a  
18 tremendous amount, as he has stated in several letters of his  
19 own, which I'm sure that you have read.

20 I know this is out of the ordinary, but I'm hoping  
21 that this might be one situation that you would please  
22 consider -- I don't care what sort of restrictions are placed  
23 on me. I have already been on home confinement for a year  
24 with a monitor, but I'm asking you to please consider, at  
25 least consider probation for me. I don't know if it's

1 possible, but that is my humble request.

2 THE COURT: Thank you, Mr. Pearson.

3 Mr. Taylor -- is everyone left in the gallery here  
4 on behalf of Mr. Pearson?

5 MR. TAYLOR: Over here on your left, sir.

6 THE DEFENDANT: And the other side also.

7 THE COURT: Okay. Thank you. Thank you all for  
8 being here. It's very important.

9 All right. Does the Government wish to be heard?

10 MR. YANOWITCH: Just very briefly, Your Honor. I  
11 don't want to -- just a few points. I don't want to take away  
12 from Mr. Pearson's good works, his otherwise moral and  
13 upstanding life, his enormous support, his brave -- I think  
14 you give credit where it's due, brave conduct of  
15 self-reporting to members of his community in making an effort  
16 to deal with his problem and with his conduct. These are  
17 certainly positive characteristics to be given credit for.

18 The Government's position, Your Honor, is that  
19 probation is not appropriate and that a guideline sentence is.  
20 And very briefly, Your Honor, it's important I think to note  
21 that Mr. Pearson's use and consumption of these materials was  
22 not an isolated casual incident. The Court has seen the  
23 presentence report. The number of images, the duration of the  
24 use of the images, and the types of images. So this is a  
25 long-standing use of these materials.

1                   Number two, I think a sentence of probation or  
2                   anything below the guidelines really would fail to reflect the  
3                   necessary deterrents and respect for the law that is one of  
4                   the factors in 3553(a).

5                   Mr. Taylor remarked about essentially the  
6                   ubiquitousness and the epidemic we face, the ubiquitousness of  
7                   this material on the Internet, and the epidemic we face of  
8                   these materials. And as we've talked and tried to tell  
9                   Mr. Pearson, and as the cases for the last 30 years out of the  
10                  Supreme Court, beginning with Ferber and up to this date, and  
11                  through the Fifth Circuit, reflect the possession, the  
12                  receipt, the distribution of these materials is incredibly  
13                  harmful to society, precisely because it perpetuates this  
14                  market, and because, at the end, are victims who are being  
15                  sexually abused.

16                  And so the continued use of these materials, as  
17                  Mr. Pearson said, soliciting these materials, finding them  
18                  out, using them, has perpetuated this harm to society, and I  
19                  think that has to be reflected, that deterrents need to be  
20                  there, and that respect for the law, and then a recognition of  
21                  the harm done needs to be there, and is not validated or  
22                  furthered, would be an appropriate word I think, through the  
23                  probation.

24                  Lastly, I think that Mr. Pearson has made a genuine  
25                  effort. From all the evidence that I have seen, I do believe

1 he's made an effort, a sincere effort, to deal with this and  
2 going to the various physicians and psychologists and  
3 continuing with treatment quite diligently and, as I said,  
4 self-reporting to the members of the community so that they  
5 could support him and ensure that he deals with this in an  
6 open manner.

7           However, I think under the Fifth Circuit law, and  
8 particularly I'm citing to Perrin, United States versus  
9 Perrin, which is 478 F.3d 672, which is a February 2007 case  
10 from the Fifth Circuit, essentially said, in part, there is no  
11 super acceptance of responsibility; that a defendant's efforts  
12 toward counsel -- and quite specifically, that case was  
13 another child pornography case where defendant had made  
14 efforts to get counseling on his own -- that these efforts are  
15 part of what's acceptance of responsibility. They go into the  
16 acceptance of responsibility. And there really isn't, under  
17 the guidelines, this super acceptance of responsibility, which  
18 justifies an additional downward departure.

19           Now, I recognize after Booker and the last set of  
20 cases in the last couple of months, the extent to which a  
21 parent is seen, you know, which it has to be refracted through  
22 subrhythm (phonetic), I'm not quite sure, but I think it still  
23 stands for the proposition that the Fifth Circuit believes  
24 that that kind of conduct is already accounted for when the  
25 Court looks at the guidelines and establishes that acceptance

1 of responsibility.

2 I think -- I won't belabor things, Your Honor, just  
3 one last point, which is, I know it's understandable for  
4 Mr. Pearson to get up and blame Mr. George and talk about the  
5 ubiquity to stuff and the access to the Internet is simple  
6 access, but I've talked to Mr. Pearson about this, and I want  
7 to make sure that it's on the record here, that this is not  
8 about Mr. George, and it's not about how easy it is to get  
9 child pornography on the Internet. That's the point of this  
10 crime.

11 It's about the fact that Mr. Pearson deliberately  
12 solicited this material, sought them out, used them, kept  
13 them. He kept them for years. That's the point. It's not  
14 about letting Mr. George into his house. It's about his  
15 decision, his solicitation of materials, his decision to keep  
16 these materials. And I want to make the sure the Court does  
17 not belabor -- I don't believe the Court is belaboring under  
18 this conception, but I believe Mr. Pearson did mention -- and  
19 his remarks surely are sincere and heartfelt, and I know that,  
20 but he did mention that he had some concern about whether  
21 things were deleted on a computer or not deleted on a  
22 computer.

23 I think the Court knows from the presentence report  
24 here that the law enforcement agents, Special Agent Hudson  
25 from the Immigration and Customs Enforcement and his

1 colleagues, found numerous disks, 20 disks, more. The Court  
2 knows the number of images. So this wasn't a matter of  
3 forensically finding something that had been deleted. That's  
4 not this case. I just want to make sure that's clear.

5 Ultimately, Your Honor, I appreciate the time the  
6 Court has given. I believe that the guidelines do reflect the  
7 best balance of the factors in section 3553(a). I don't see  
8 any factor here, based upon my analysis of the evidence, that  
9 identifies this, I guess in the old parlance, as being outside  
10 the heartland of the guidelines.

11 And so the Court would recommend -- my apologies --  
12 the Government would recommend that the Court impose a  
13 sentence within the guidelines. The Government does not have  
14 any objection to any particular sentence within the  
15 guidelines, but we believe the guideline range is appropriate  
16 in this case. Thank you.

17 THE COURT: Thank you, and thank you both sides.  
18 Let me do one housekeeping measure. I had mentioned earlier  
19 that the total offense level was 30, the criminal history  
20 category was I, the imprisonment range was 97 to 121 months,  
21 supervised release range was any term of years up to life  
22 imprisonment, and a fine range was \$17,500 to \$175,000. What  
23 I did not do was reflect the Court's granting of the  
24 Government's motion for downward departure, and the granting  
25 of the four-level decrease pursuant to that motion for

1 downward departure.

2 In that instance, the total offense level then  
3 becomes a total offense level of 26, with an imprisonment  
4 range between 63 and 78 months.

5 Is that right, Mr. Yanowitch and Mr. Taylor?

6 MR. YANOWITCH: That comports with my calculations,  
7 Your Honor.

8 THE COURT: Okay.

9 PROBATION OFFICER: Your Honor, I apologize, with  
10 the total offense level of 30, the fine guideline range is  
11 15,000 to \$150,000.

12 THE COURT: With the downward departure, it would  
13 be --

14 PROBATION OFFICER: No, just with the total offense  
15 level of 30, and then we don't consider the departure for the  
16 fine.

17 THE COURT: All right. So the total offense level  
18 of -- so for the total offense level of 30, the fine range is  
19 what again?

20 PROBATION OFFICER: 15,000 to \$150,000.

21 THE COURT: Thank you. But in terms of the downward  
22 departure of four levels to the total offense level of 26, the  
23 guideline imprisonment range would be 63 to 78 months?

24 PROBATION OFFICER: Yes, sir.

25 THE COURT: Okay. So, out of an abundance of



1 caution, let me go through that again.

2 Before the Court granted the downward departure, the  
3 total offense level is 30, criminal history category of I,  
4 imprisonment range 97 to 121 months, supervised release range  
5 of any term of years up to life imprisonment, and a fine range  
6 of 50,000 to \$150,000.

7 The Court has granted the Government's downward  
8 departure motion and will depart downward four levels. The  
9 new total offense level will be an offense level of 26, an  
10 imprisonment range of 63 to 78 months.

11 Does either side have any objections to that?

12 MR. YANOWITCH: The Government does not, Your Honor.

13 MR. TAYLOR: No, Your Honor.

14 THE COURT: Okay. I'm sorry about that.

15 I will now state the sentence determined pursuant to  
16 Title 18 USC 3553(a), treating the sentencing guidelines  
17 issued by the Sentencing Commission pursuant to Title 28 USC  
18 994(a)(1) as advisory only under U.S. v. Booker, 125 Supreme  
19 Court 738, 2005.

20 In arriving at a reasonable sentence, I have taken  
21 into account primarily the conduct admitted by the defendant  
22 in the factual resume and those matters required to be  
23 considered by 3553(a). The attorneys will have a final chance  
24 to make legal objections before sentence is finally imposed.

25 It is the judgment of the Court that the defendant

1 Ronald C. Pearson is hereby committed to the Federal Bureau of  
2 Prisons for a term of 70 months.

3 It is ordered that upon release from imprisonment,  
4 the defendant shall be placed on supervised release for life.  
5 It is further ordered that upon release from imprisonment, the  
6 defendant shall comply with the standard conditions contained  
7 in this judgment and shall comply with the mandatory and  
8 special conditions stated herein.

9 Number one, the defendant shall not commit another  
10 federal state or local crime.

11 Number two, the defendant shall not illegally  
12 possess controlled substances.

13 Number three, the defendant shall cooperate in the  
14 collection of DNA as directed by the probation officer.

15 Number four, the defendant shall not possess a  
16 firearm, ammunition, destructive device, or any other  
17 dangerous weapon.

18 Number five, the defendant shall report in person to  
19 the U.S. Probation Office in the district to which the  
20 defendant is released within 72 hours of release from the  
21 custody of the Federal Bureau of Prisons.

22 Number six, the mandatory drug testing condition is  
23 suspended based on the Court's determination that the  
24 defendant poses a low risk for future substance abuse.

25 Number seven, the defendant shall participate in sex

1 offender treatment services as directed by the probation  
2 officer until successfully discharged. The services may  
3 include psychophysiological testing to monitor the defendant's  
4 compliance, treatment, progress, and risk to the community.  
5 The defendant shall contribute to the cost of services  
6 rendered at a rate of at least \$15 per month.

7 The defendant shall not have any form of  
8 unsupervised contact with minors under the age of 18 at any  
9 location, including but not limited to the defendant's  
10 residence, place of employment, and public places where minors  
11 frequent or congregate without prior permission of the  
12 probation officer.

13 The defendant shall neither possess nor have under  
14 his control any pornographic, sexually oriented, or sexually  
15 stimulating materials, including visual, auditory, telephonic  
16 or electronic media, computer programs or services.

17 The defendant shall not patronize anyplace where  
18 such material or entertainment is available.

19 The defendant shall not use any sex-related  
20 telephone numbers.

21 The defendant shall register with state and local  
22 law enforcement as directed by the probation officer in each  
23 jurisdiction where the defendant resides, is employed, and is  
24 a student.

25 The defendant shall provide all information required

1 in accordance with state registration guidelines. Initial  
2 registration shall be completed within three business days  
3 after release from confinement.

4 The defendant shall provide written verification of  
5 registration to the probation officer within three business  
6 days following registration. This registration shall be  
7 renewed as required by the defendant's assigned tier.

8 The defendant shall, no later than three business  
9 days after each change of name, residence, employment, or  
10 student status, appear in person in at least one jurisdiction  
11 and inform that jurisdiction of all changes in the information  
12 required in the sex offender registry.

13 The defendant shall not date or befriend anyone who  
14 has children under the age of 18, unless approved in advance  
15 by the probation officer.

16 Number twelve, the defendant shall obtain approval  
17 of the probation officer prior to a change in residence or  
18 living situation.

19 Number thirteen, the defendant shall submit to a  
20 search of his person, property, house, vehicle, papers,  
21 computer, and other electronic communication or data storage  
22 devices or media at any time, with or without a warrant, by  
23 any law enforcement officer or probation officer who has  
24 reasonable suspicion concerning unlawful conduct or a  
25 violation of a condition of supervised release. Any such

1 items found may be seized by the probation officer.

2 The defendant shall not work as a teacher or a tutor  
3 directly or indirectly.

4 The defendant shall not be employed to work as a  
5 nurse or as a home healthcare worker without the probation  
6 officer's approval.

7 It is further ordered that the defendant pay a  
8 special assessment of \$100.

9 In imposing this sentence, as I stated, the Court  
10 has taken into account everything under the law that the Court  
11 is required to do. I believe this sentence -- I believe this  
12 sentence, given the severity of the nature of this crime,  
13 including the number of images, the acts depicted in many of  
14 the images involving infants, preschoolers, prepubescents, and  
15 early teens in bondage and in other sex acts justifies the  
16 sentence that I have given here.

17 I have also given weight to the statements of some  
18 of the children who have allowed their statements to be  
19 presented to the probation officer and have been included in  
20 the presentence report, those children who were depicted in  
21 some of the images, as well as some of those parents who also  
22 provided statements.

23 Countering these considerations, I have considered  
24 the broad support Mr. Pearson has in the community and his  
25 cooperation with the Government in reaching a sentence -- in

1 reaching the sentence that I have just stated. If I could  
2 have just one minute, please.

3 (Pause in proceedings)

4 Given everything that I have said, I believe that  
5 this sentence is sufficient but not greater than necessary to  
6 serve the purposes of sentencing. I have now stated the  
7 sentence. Is there any reason why sentence should not be  
8 imposed, Mr. Yanowitch?

9 MR. YANOWITCH: None.

10 THE COURT: Mr. Taylor?

11 MR. TAYLOR: No, sir.

12 THE COURT: Then I'll order the sentence imposed as  
13 stated.

14 Mr. Yanowitch, does the Government have a motion?

15 MR. YANOWITCH: The Government moves to dismiss all  
16 the remaining counts of the indictment, Your Honor.

17 MR. TAYLOR: No objection, Your Honor.

18 THE COURT: That motion will be granted.

19 Mr. Pearson, you have waived the right to appeal  
20 your sentence and to complain of it in a collateral attack.  
21 However, you have reserved, from that waiver, the right to  
22 appeal a sentence exceeding the maximum statutory punishment,  
23 any arithmetic error in sentencing, a challenge to the  
24 voluntariness of your plea, or your appellate waiver, or the  
25 ineffective assistance of counsel. If you decide to appeal,

1       you have the right to apply for leave to appeal in forma  
2       pauperis, if you are unable to pay is the cost of an appeal.

3               Mr. Pearson, do you understand your appellate rights  
4       as I've just outlined to you?

5               THE DEFENDANT: Yes, I do.

6               THE COURT: And do you understand your right to  
7       proceed in forma pauperis, if you qualify?

8               THE DEFENDANT: That's correct.

9               THE COURT: Okay. Is there anything -- let me take  
10      up the issue of custody for Mr. Pearson pending execution of  
11      the sentence.

12              It's my belief that it is the better course of  
13      action in this case that Mr. Pearson be remanded to custody  
14      immediately, and I'll order him remanded to the marshal in  
15      this district to begin serving his sentence.

16              Is there anything else to take up from either side?

17              MR. TAYLOR: Judge, I would ask that you use the  
18      powers that federal judges possess to recommend to the federal  
19      prison system that he be in Seagoville, if possible.

20              He's grown up and lived his entire life in the  
21      metroplex area, and he has numerous, as you've seen here, and  
22      from today and from the gallery, and from Judge Buchmeyer's  
23      transcript, the number of people here that have an interest in  
24      him.

25              THE COURT: I think Mr. Taylor's points are well

1       taken, and I am going to follow Mr. Taylor's recommendation  
2       and will make that recommendation and ask that it be  
3       reflected.

4               Mr. Taylor, as you know, that will be my  
5       recommendation to the Bureau of Prisons.

6               MR. TAYLOR:   Yes.

7               THE COURT:   They have almost complete control of  
8       their classification decisions, but I think your point is well  
9       taken and they would be advised to follow it.

10              MR. TAYLOR:   I found that when federal judges  
11       recommend it, people usually listen.

12              THE COURT:   And I do that.   And with nothing else,  
13       court is now adjourned.

14              (End of Proceedings)

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1 REPORTER'S CERTIFICATE

2 I, Debra G. Saenz, CSR, RMR, CRR, certify that the  
3 foregoing is a true and correct transcript from the record  
4 of proceedings in the foregoing entitled matter.

5 I further certify that the transcript fees format  
6 comply with those prescribed by the Court and the Judicial  
7 Conference of the United States.

8 Signed this 12th day of October, 2008.

9

10 /s/ Debra G. Saenz

11 DEBRA G. SAENZ, CSR, RMR, CRR  
12 Texas CSR No. 3158  
13 Official Court Reporter  
The Northern District of Texas  
Dallas Division

14

15 CSR Expires: 12/31/09

16 Business Address: 1100 Commerce Street, Room 1504  
Dallas, Texas 75242

17

18 Telephone: 214.753.2298

19 E-Mail Address: debbie.saenz@yahoo.com

20

21

22

23

24

25

Debbie Saenz, CSR, RMR, CRR  
United States District Court  
(214) 753-2298